

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

ALLEGIANCE HEALTH
MANAGEMENT, INC.

PLAINTIFF

v.

No. 3:12CV00139 JLH

CITY OF POCAHONTAS, ARKANSAS

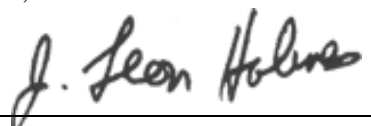
DEFENDANT

ORDER

The City of Pocahontas has filed a motion for summary judgment on this breach of contract action brought against it by Allegiance Health Management, Inc. Although it appears that many of the material facts are undisputed, at least one of the material facts is not. Specifically, as to whether the Mayor knew about the management fees paid to Allegiance Health Management in 2007, the accounts payable clerk, Pat Miller, testified that she believed that the City approved the payments and that the initials approving an invoice belonged to the Mayor. Although Miller may not have personal knowledge of whether someone spoke to the Mayor about the payments, her testimony that initials on an invoice for one of the payments appears to be the Mayor's creates a genuine issue of material fact, so the motion for summary judgment must be denied. Document #24.

Because this matter is scheduled for a bench trial, the Court will reserve further comment on this action until the evidence has been received and the Court makes findings of fact and conclusions of law. The Court encourages the attorneys to endeavor to stipulate to all of the undisputed facts and to limit testimony to the factual issues as to which there is a genuine dispute so that the trial can be streamlined.

IT IS SO ORDERED this 20th day of September, 2013.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE